

### REMARKS

Claims 1-125 are pending in the application. Claims 2, 4-9, 43, 45-50, 84, and 86-91 are hereby canceled. Claims 1, 3, 10-15, 42, 44, 51-56, 83, 85, and 92-97 are hereby amended.

#### Rejections Based Upon 35 U.S.C. § 102(b)

Claims 1-11, 13-16, 18, 22, 27, 30-57, 59, 63, 68, 71-93, 95, 98, 100, 104, 109, and 112-125 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,638,371 (Raychaudhuri et al). Applicant has amended independent claims 1, 42, and 83 and respectfully traverses the rejection for the following reasons.

Amended claim 1 requires *dynamically* configuring a MAC wherein *dynamically* includes *verifying actual traffic usage of capacity in the MAC layer in the wireless transmission link with historical trends of traffic usage of capacity in the MAC layer in the wireless transmission link*. In contrast, *dynamically* in Raychaudhuri describes a media access control (MAC) utilized to support integrated wireless ATM services (Raychaudhuri, abstract). While the MAC "dynamically" functions to handle constant bit rate (CBR), variable bit rate (VBR) and available bit rate (ABR) traffic, the MAC handles the traffic according to a predetermined Aloha channel schedule (Raychaudhuri, col. 11, lines 50-60 and col. 12, lines 30-40). The actual MAC does not change during operation and does not change based on historical trends. Claim 1 advantageously changes the MAC to give priority to various types of traffic over other types of traffic based on historical traffic trends (Specification, page 14).

Independent claims 42 and 83 contain limitations similar to claim 1 and are therefore allowable over the prior art. The dependent claims contain limitations that render them separately allowable over the prior art. However, for the sake of brevity and because the dependent claims depend from allowable independent claims, applicant forgoes such a discussion.

#### Rejections Based Upon 35 U.S.C. § 103(a)

Claims 17, 19-21, 23-26, 28-29, 58, 60-62, 64-67, 69, 70, 99, 101-103, 105-108, and 110-111 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Raychaudhuri. Claims

12, 53, and 94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Raychaudhuri in view of Boucher (U.S. Patent No. 6,226,680). Applicant has distinguished the claims from Raychaudhuri above, thereby obviating the need for a discussion under 35 U.S.C. § 103(a) related Raychaudhuri alone or in view of Boucher.

### CONCLUSION

The claims in their present form are allowable over the art of record. Applicant therefore solicits their allowance. Any fees in addition to those submitted may be charged to deposit account 21-0765.

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